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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,975	08/05/2003	Thomas Kasztelan	P03,0285	6948

26574 7590 11/29/2006

SCHIFF HARDIN, LLP
PATENT DEPARTMENT
6600 SEARS TOWER
CHICAGO, IL 60606-6473

EXAMINER

DABNEY, PHYLESHA LARVINIA

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 11/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/634,975

Applicant(s)

KASZTELAN ET AL.

Examiner

Phylesha L. Dabney

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 9/16/06.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 and 16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 8 is/are rejected.
- 7) ☒ Claim(s) 6,7,9-14 and 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This action is in response to the amendment filed on 16 September 2006 in which claims 1-14 and 16 are pending.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by D' Avolio et al (U.S. Patent No. 5,195,142).

Regarding claim 1, D'Avolio et al teaches a hearing aid device (telephone) configured to wirelessly transmit data between the hearing aid device and a further device (col. 4 lines 23-24), which inherently comprises: a microphone, a signal processing, and control unit. In addition, it comprises: a receiver (1-7) configured to transduce the electrical signal into an acoustic signal; and an antenna coil (15) that is wound on the receiver, the antenna coil (15, col. 4 lines 15-24) being configured to implement the wireless transmission of data.

2. Claim 2 is rejected under 35 U.S.C. 102(b) as being anticipated by Wojcik et al (U.S. Patent No. 4,596,899).

Regarding claim 2, Wojcik teaches a hearing aid device configured to wirelessly transmit data between the hearing aid device (fig. 2) and a further device comprising: a microphone (21)

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configured to acquire an acoustic input signal and transduce it into an electrical signal; a signal processing and control unit (24, col. 6 lines 32-37; 29-32) configured to process the electrical signal; a receiver (27) configured to transduce the electrical signal into an acoustic signal; and at least one of a shielding plate or a shielding capsule (10, 20, 26, casing) that shields or encloses the receiver respectively, the antenna coil (50) being wound on the shielding plate or the shielding capsule which reads on the coil having electromagnetic transducing capabilities being wrapped around the casing (fig. 2; col. 3 lines 15-46 and col. 6 lines 46-48).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wojcik.

Regarding claim 3, Wojcik does not teach the hearing aid device according to claim 2, wherein the shielding capsule is comprised of ferrite material, mu-metal, or an iron sheet. However it is known to included a shielding capsule composed of iron composite for beneficially blocking interfering magnetic fields created by the receiver. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention to included a shielding capsule in the invention of Wojcik for blocking magnetic fields.

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4. Claims 4-5 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over D' Avolio in view of Husung (U.S. Patent No. 6,466,679).

Regarding claim 4, D' Avolio does not teach the hearing aid device according to claim 1, further comprising: a compensator configured to compensate a noise signal generated by the receiver and transmitted to the antenna coil.

Husung teaches a compensator (10) placed in the circuitry to beneficially suppress a noise signal (col. 2, lines 15-29).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a compensator coil as taught by Husung for suppressing noise.

Regarding claim 5, the combination of D' Avolio and Husung teaches the hearing aid device according to claim 4, wherein the compensator comprises a compensation coil (10) configured to compensate the electromagnetic field generated by the receiver.

Regarding claim 8, the combination of D' Avolio and Husung teaches the hearing aid device according to claim 5, further comprising: a compensation circuit (3) that modifies an electric receiver input signal according to at least one of an amplitude and phase.

Allowable Subject Matter

5. Claims 6-7, 9-14 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Response to Arguments

6. With respect to the Applicant arguments pertaining to the drawing objections, specification objections, and 112 1st and 2nd rejections, the objections and rejections have been removed.

7. Applicant's arguments with respect to claims 1, 4-14, and 16 have been considered but are moot in view of the new ground(s) of rejection.

8. Applicant failed to argue the Prior art rejections using Wojcik relative to claims 2-3; therefore, it is assumed that the Applicant concurs with the rejection and the rejection has been maintained above.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phylesha L. Dabney whose telephone number is 571-272-7494. The examiner can normally be reached on Mondays, Tuesdays, Wednesdays, Fridays 8:30-4 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on 571-272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
P O Box 1450
Alexandria, VA 22313-1450

Or faxed to:

(703) 273-8300, for formal communications intended for entry and for informal or draft communications, please label "Proposed" or "Draft" when submitting an informal amendment.

Hand-delivered responses should be brought to:


Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

November 22, 2006

PLD


DENNIS KUNTZ
PATENT EXAMINER
BY CENTER 2600